

13 FAM 150 CONTINUED SERVICE AGREEMENT

*(CT:TPD-16; 09-10-2013)
(Office of Origin: FSI)*

13 FAM 151 GENERAL

13 FAM 151.1 When Required

*(CT:TPD-12; 04-19-2012)
(Uniform State/Agriculture /Commerce/USAID)
(Civil Service and Foreign Service Employees)*

- a. Employees selected for training for more than 80 hours at non-U.S. Government facilities must sign a Continued Service Agreement (via online enrollment through the FSI OpenNet Web site or as part of Form SF-182, Authorization, Agreement and Certification of Training). Employees may not proceed to training until they have signed the appropriate agreement.
- b. Employees submit a completed and signed Continued Service Agreement along with other required training application forms to:
 - (1) For State, FSI, Office of the Registrar (FSI/EX/REG);
 - (2) For USAID, the Personnel Operations Division (M/HR/POD), or Executive Management (EM), as appropriate; and
 - (3) For Commerce, the Office of Foreign Service Human Resources.
- c. The appropriate office must receive a signed Continued Service Agreement (original hard copy, emailed electronic scan, or faxed copy) must be received in advance of the start of training and the Agreement will be incorporated in the official personnel records of the employee.

13 FAM 151.2 Nature of Agreement

*(CT:TPD-03; 12-20-2007)
(Uniform State//Agriculture Commerce/USAID)
(Civil Service and Foreign Service Employees)*

- a. The employee is required to agree to the following conditions:
 - (1) To continue in the service of the Department or the agency after the end-of-training, unless involuntarily separated, for a period at least equal to three times the length of the training period if salaried during the period or equal to the length of training if unsalaried during the period, but in no

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case less than one month; and

- (2) If separated before completion of the training or completion of the required period of continued service, to reimburse the U.S. Government the tuition and amount of the additional expenses incurred by the Department or the agency in connection with such training, unless the employee is involuntarily separated from the service of the agency or otherwise is exempted as provided by this subchapter.
- b. Time while on leave without pay does not count toward completion of the period of service required to comply with a continued service agreement unless the employee is on leave without pay for purposes of receiving payments under the Federal Employee's Compensation Act (i.e., Workers Compensation).

13 FAM 151.3 Reimbursement

(CT:TPD-03; 12-20-2007)

(Uniform State/Agriculture/Commerce/USAID)

(Civil Service and Foreign Service Employees)

If, under 13 FAM151.1, reimbursement is required, reimbursement will cover such items as tuition and matriculation fees, library or laboratory service, typing and reproduction of papers, the purchase or rental of books, per diem, travel, and transportation expenses for the employee and family, and any other services and costs directly related to the training. It will not include salary or allowances for the period of training.

13 FAM 152 TRANSFER TO ANOTHER GOVERNMENT AGENCY

(CT:TPD-03; 12-20-2007)

(Uniform State/Agriculture/Commerce/USAID)

(Civil Service and Foreign Service Employees)

- a. An employee who plans to transfer to another U.S. Government agency before completion of training or before expiration of a Continued Service Agreement must submit a statement of intent to the Director General of the Foreign Service and Director of Human Resources (Department of State); Human Resources Manager for the Office of Foreign Service Human Resources within 10 days (Commerce); or the Director, Office of Human Resources (for USAID) at least 10 days before the proposed effective date of the transfer.
- b. The statement should be accompanied, if appropriate, by a certificate from the head of the agency, or a designee, to which the employee is transferring stating that the training received will be utilized in the employee's new position.
- c. The Director General of the Foreign Service and Director of Human Resources (State Department) or the Director, Office of Human Resources (for USAID) will

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review the employee's statement and the certificate, if supplied, and will notify the employee before the end of the 10-day period that reimbursement either is or is not required. If the employee's training is judged not to be relevant to the position at the agency to which the employee wishes to transfer, reimbursement will be required.

- d. Exemption from reimbursement will be authorized only in cases where the transfer to another agency is without a break in service.

13 FAM 153 WAIVER OF RIGHT OF RECOVERY

(CT:TPD-03; 12-20-2007)

(Uniform State/Agriculture/Commerce/USAID)

(Civil Service and Foreign Service Employees)

The Director General of the Foreign Service and Director of Human Resources (State Department); or the Director, Office of Human Resources (for USAID); may waive in whole or in part the U.S. Government's right to recovery whenever recovery would not be in good conscience, or compatible with the public interest (see 13 FAM 155.2b).

13 FAM 154 EXTENSION OF TRAINING AGREEMENT

(CT:TPD-03; 12-20-2007)

(Uniform State/Agriculture/Commerce/USAID)

(Civil Service and Foreign Service Employees)

Any employee whose long-term training assignment is extended must agree to a proportionate extension of the employee's Continued Service Agreement by submitting a new, signed form showing the amended dates of training.

13 FAM 155 DETERMINATION OF REPAYMENT AND RECOVERY OF FUNDS

13 FAM 155.1 Determination of Repayment

(CT:TPD-03; 12-20-2007)

(Uniform State/Agriculture/Commerce/USAID)

(Civil Service and Foreign Service Employees)

- a. When an employee fails to complete the training or the subsequent period of required service, it is the responsibility of the agency to determine whether repayment of the expenses incurred in connection with the training is required

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in full, prorated, or waived (see 13 FAM). This responsibility includes determining what portion of the travel, transportation, and other expenses incurred are directly related to the training assignment.

- b. The following officers serve as deciding officials and are responsible for determining and notifying the individual involved if there is an unfulfilled period of obligated service and whether recovery of funds action is warranted:

State	The Director General of the Foreign Service and Director of Human Resources (DGHR)
USAID	Director, Office of Human Resources (M/HR/OD)
Commerce	Human Resources Manager, Office of Foreign Service Human Resources

13 FAM 155.2 Repayment/Waiver Review and Notification

(CT:TPD-16; 09-10-2013)

(Uniform State/Agriculture/Commerce/USAID)

(Civil Service and Foreign Service Employees)

- a. When an employee who has received training under these provisions separates voluntarily, it will be determined whether there is an unfulfilled period of obligated service and, if such is the case, whether recovery action is warranted or, based on administrative review of the facts of the individual case in accordance with applicable provisions of the FAM, should be waived.
- b. Repayment and recovery action is waived when an employee who has received training under these provisions is involuntarily separated from the Department, except for cause. In the event an employee is removed for cause, it will be determined whether seeking recovery of funds may be against good conscience or against the public interest.
- c. The employee shall be notified in writing of the decision whether repayment is required or waived. A copy of any notification that requires repayment shall also be sent to the Chief of the *Accounts Receivable Branch*, Bureau of *the Comptroller and Global Financial Services* (State Department) (*CGFS/F/RR/RMCD/ARB*). For USAID, such notification will be sent to the Central Accounting and Reporting Division, Office of Financial Management (M/FM/CAR), within 10 business days. For Commerce, such notification should be sent to ITA, Office of Financial Management.
- d. Upon receipt of a decision that repayment is required, if the employee or former employee feels that decision should be reconsidered, he or she has 10 workdays to submit, in writing, further information, explanation, or mitigating factors stating why he or she feels the repayment should be waived.

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- e. The Director General of the Foreign Service and Director of Human Resources (HR) (State Department) or the Director, Office of Human Resources (for USAID) (or designee), shall review reconsideration requests properly submitted and decide whether to uphold the original decision or waive repayment based on additional information provided.
- f. When a determination has been made that a separating employee has an unfulfilled period of obligated service, HR/CDA or HR/CSHRM will inform the post or bureau processing the separation that the training indebtedness should be documented on Form DS-8, Fiscal Clearance for Final Salary Payment, under "Other Indebtedness."

13 FAM 155.3 Recovery of Funds

(CT:TPD-16; 09-10-2013)

(Uniform State/Agriculture/Commerce/USAID)

(Civil Service and Foreign Service Employees)

- a. Following a final decision that repayment is required, a copy of the notification requiring repayment is sent by the deciding official to the appropriate finance office for action, shown as follows:

State	Chief of the <i>Accounts Receivable Branch</i> (<i>CGFS/F/RR/RMICD/ARB</i>)
Commerce	ITA, Office of Financial Management
USAID	Central Accounting and Reporting Division, Office of Financial Management

- b. The appropriate finance office will take action to collect the amount of repayment by withholding from any monies owed the employee or former employee by the U.S. Government, or through other methods allowable under the law.

13 FAM 156 THROUGH 159 UNASSIGNED